

REMARKS/ARGUMENTS

Claims 1-17 remain in the application. Claims 1-13 and 15-17 have been amended herein.

Claim 6 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 has been amended herein in a manner which is believed will overcome the present rejection.

Claims 1, 4, 5, 7 and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,738,480 to Chesley. It is respectfully submitted that Chesley does not teach or suggest the invention set forth in claims 1 or 7.

Claim 1 presently recites a coding system for use in conjunction with a series of applicable products including, *inter alia*, indicia indicating to a user of each product in said series of products ***a time and a sequence*** of use of said series of products. The indicia includes time indicia disposed on a surface of each product of said series of products, said time indicia indicating to said user ***a time of day*** for using each product of said series of products and thereby enabling said user to select a group of products from said series of products having a common time indicia disposed thereon. The indicia further includes sequence indicia disposed on a surface of each product of said series of products, said sequence indicia indicating to said user an order of using each product of said selected group of products ***during said time of day***, thereby enabling said user to use said group of selected products in said order.

Claim 7 presently recites a coding system including, *inter alia*, ***indicia indicating to a user a time and a sequence of use*** of selected products of said series of products,

wherein said indicia is associated with each product of said series of products. The indicia includes time indicia disposed on an outer surface of each of said containers, said time indicia enabling said user to select a group of containers from said plurality of containers having *a common time indicia for a particular time of day*. The indicia further includes sequence indicia disposed on said outer surface of said containers, said sequence indicia indicating to said user a sequence in which to use said products to be contained in said selected group of containers, having said common time indicia, *according to said sequence during said particular time of day*.

It is respectfully submitted that Chesley fails to teach and/or suggest the features of claims 1 or 7. Rather, Chesley relates to a medication container having a number of compartments (12) including either a sequence indicia (20), as shown in FIGS. 2 and 7, or a time indicia (18A as identified in the Office Action), as seen in FIG. 4. Chesley fails to show a combination of the sequence indicia (20) and the time indicia (18A) in the manner of claims 1 or 7.

Moreover, Chesley fails to teach and/or suggest providing time indicia which indicates to a user a time of day of using each product and enables the user to select a group of products having *a common time indicia*, as substantially recited in claims 1 and 7. In addition, Chesley fails to teach and/or suggest providing sequence indicia indicating to the user an order of using each product of the selected group of products having the common time indicia.

In view of the amendments made to claims 1 and 7, and in view of the arguments presented above, it is respectfully submitted that claims 1 and 7 are allowable over Chesley. Since claims 4 and 5 depend from claim 1 and contain all of the features of

claim 1, and claim 10 depends from claim 7 and contains all of the features of claim 7, it is respectfully submitted that claims 4, 5 and 10 are also allowable over Chesley.

Claims 11-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,318,477 to Kerpe. It is respectfully submitted that Kerpe does not teach or suggest claims 11.

Claim 11 presently recites a method of determining a time and a sequence of use of a series of products including the steps of, *inter alia*, assigning time indicia to each product of said series of products, wherein said time indicia indicates to a user a time of day for using each product of said series of products and enables the user to select a group of products of said series of products having a common time indicia for a particular time of day, and assigning a sequence indicia to each product of said series of products, wherein said sequence indicia indicates to said user an order of using each product of said selected group of products of said series of products. The method further includes the step of *using said selected group of products having the common time indicia for said particular time of day in the order according to said sequential indicia.*

It is respectfully submitted that Kerpe fails to teach and/or suggest the features of claim 11. Rather, Kerpe relates to a pharmaceutical package including a plurality of containers (41) including two sets of time indicia, namely, symbolic indicia (51-54) and word indicia (61-64), see col. 4, lines 8-18. The method according to Kerpe calls for the contents of containers (41) to be accessed once per week, i.e., can not be re-accessed more than once per day. In addition, the method according to Kerpe fails to teach and/or suggest selecting a group of products having a common time indicia and using the selected group of products having the common time indicia for the particular time of day

in an order according to said sequential indicia, as presently recited in claim 11.

In view of the amendments made to claim 11 and in view of the arguments presented above, it is respectfully submitted that claim 11 is allowable over Kerpe. Since claims 12 and 13 depend from claim 11 and contain all of the features of claim 11, it is respectfully submitted that claims 12 and 13 are also allowable over Kerpe.

Claims 3, 6 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chesley. Since claims 3 and 6 depend from claim 1 and contain all of the features of claim 1, and claim 9 depends from claim 7 and contains all of the features of claim 7, it is respectfully submitted that claims 3, 6 and 9 are also allowable over Chesley.

Claims 14-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kerpe. Since claims 14-17 depend indirectly from claim 11 and contain all of the features of claim 11, it is respectfully submitted that claims 14-17 are also allowable over Kerpe.

Claims 2 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chesley in view of Kerpe. Since claims 2 and 8 depend from claims 1 and 7, respectively, and contain all of the features of claims 1 and 7, respectively, it is submitted that claims 2 and 8 are also allowable over Chesley in view of Kerpe.

Should the Examiner believe that a telephone interview may facilitate resolution of any outstanding issues, the Examiner is respectfully requested to telephone the applicant's attorney at the number indicated below.

An early and favorable action on the merits is requested.

Respectfully submitted,



David M. Carter
Registration No. 30,949
Attorney for Applicant(s)

CARTER, DELUCA, FARRELL & SCHMIDT, LLP

445 Broad Hollow Road, Suite 225
Melville, New York 11747
Tel (631) 501-5700
Fax (631) 501-3526
DMC/FS/jrv